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10/087,118

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John M. Barrie

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EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/087,118

**Applicant(s)**

BARRIE ET AL.

**Examiner**

Steven B. Theriault

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/01/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/24/2002</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to the following communications: The original application filed on 03/01/2002 and the Information Disclosure Statement filed on 05/24/2002.
2. Claims 1-70 are pending in the case. Claims 1, 22 and 43 are the independent claims.  
Applicant's attention is directed to the fact that a new examiner has been assigned to this case.  
The Examiner's name and telephone number are provided below.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: System and method for facilitating peer reviews of paper assignments.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-8, 10-13, 15-38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Carden. et al (hereinafter Carden) International Publication No. WO 00/72114 A2 issued Nov. 30, 2000 and filed May 22, 2000.**

In regard to **Independent claim 1**, Carden teaches a *peer review system comprising:*

- *A user interface for identifying the user, for accepting predefined user information, and for providing a result;* (Carden Figure 6 and 7 and page 11, lines 22-35 and page

12, lines 1-25) Carden teaches a user interface that requires a user ID (identifies the user) and password (predefined) to log into the system which is validated and the main menu screen (result) is presented.

- *A peer review application operably linked to said user interface, said peer review application comprising knowledge base information and defined rules for*
  - (a) *Accepting a paper for peer review* (Carden Figures 9, 10a – 10c and page 12, lines 27-34 and page 13, lines 1-34) Carden teaches the acceptance of a manuscript through an electronic process.
  - (b) *Defining a peer review assignment* (Carden page 27, lines 12-15) Carden teaches that all reviewers will have access to instructions for reviewing manuscripts and will have a client-approved score sheet, comment areas and recommendation options. All of which is attached to the manuscript history.
  - (c) *Assigning said paper to a defined set of reviewers for review* (Carden page 24, lines 15-34) Carden teaches the review editor has the ability to select and assign the reviewers to review each manuscript.
  - (d) *Providing to said reviewers criteria for reviewing each said paper to produce a peer review result, and* (Carden page 27, lines 22-35) Carden teaches the reviewers will have a client-approved score sheet, comment areas and recommendation options to peer review the manuscripts. All of which is attached to the manuscript history.
  - (e) *Processing all peer review results for any paper to produce a peer review report;* (Carden page 17, lines 5-10) Carden teaches the peer review system contains a reporting process for reporting on the number of documents by type, by country, by decision, by time within process steps and outstanding reviews.
- *A computer system having stored therein said peer review application, wherein said computer system comprises computer memory and a computer processor.* (Carden page 6, lines 15-34 and Figures 1-3) Carden teaches the system is hosted on a

central service providers computer or local computer and a database that stores the materials submitted for review.

With respect to **dependent claim 2**, Carden teaches *an intermediary service provider operably linked to said computer system, wherein said intermediary service provider is capable of displaying said user interface and said peer review report to a user* (Carden page 6, lines 15-29).

Carden teaches a peer review system that is hosted on a service providers computer or on a specific publishers computer, which allows users to access the system or module that corresponds to their profile via a display screen or browser.

With respect to **dependent claim 3**, Carden teaches *the predefined user information that is used to categorize users as one or more of the group consisting of submitters, sponsors, reviewers, administrators, and visitors* (Carden page 10, lines 4-34 and page 11, lines 1-20) Carden teaches the user groups of Author (Submitter), Editor- in-Chief and Associate Editors (Sponsor), Reviewers or referees (Reviewers) and Administrative staff (Administrators).

With respect to **dependent claim 4**, Carden teaches *the predefined user information comprises identification information and a paper responsive to an assignment when said user is identified as a submitter* (Carden page 6, lines 1-4 and page 7, lines 32-34 and page 8, lines 1-11 and page 11, lines 30-35 and page 12, lines 1-25) Carden teaches a system that can readily be used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Carden also teaches specific submission requirements designed by the publisher or editor that are presented to the author, which require the author to submit information based on the submitted document.

With respect to **dependent claim 5**, Carden teaches *the predefined user information comprises*

*identification information and a response to a peer review assignment when said user is identified as a reviewer* (Carden page 12, lines 1-25 and page 11, lines 3-6 and page 27, lines 3-20)

Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewers, once they have responded to e-mail inquiries regarding the manuscript for accepting the review assignment, are assigned to the manuscript by the review editor. Carden also teaches the reviewers perform the peer review based on a score sheet and then they enter the document in the system.

With respect to **dependent claim 6**, Carden teaches *the result is a peer review report* (Carden page 5, lines 25-35 and page 6, lines 5-14 and page 21, lines 16-24 and figure 14) Carden teaches a system for submitting media, written materials, graphics, articles and manuscripts through the Internet which permits the materials to be reviewed edited and then published. Carden teaches the management and tracking of the peer review process is accomplished via reports and listings.

With respect to **dependent claim 7**, Carden teaches *the user is identified as a sponsor, said predefined user information comprises information needed to create a peer review assignment, define a set of reviewers, define said criteria for rating each paper, and define criteria by which papers are to be distributed to said reviewers* (Carden page 12, lines 1-25 and page 24, lines 15-34 and page 27, lines 12-29) Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewer editor determines the reviewers to be assigned to the manuscript. The editor uses the reviewers' personal information, number of current assignments, and review history to determine eligibility. Carden also teaches that the reviewers use a score sheet for scoring the manuscript that is client-approved and they have links for instructions for reviewing the manuscript.

With respect to **dependent claim 8**, Carden teaches *the set of reviewers comprises the set of those submitting papers responsive to an assignment created by said sponsor*. (Carden page 6, lines 1-4 and page 12, lines 1-25 and page 6, lines 30-34) Carden teaches a system that can readily used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Carden teaches that the editor (sponsor) determines the reviewers for a specific document and the notification of assignment to a document to review.

With respect to **dependent claim 10**, Carden teaches *the peer review assignment includes a first date for completing the review of each paper, and a second date when each peer review result will be available to submitters* (Carden page 17, lines 29-34 and page 21, lines 16-24 and page 25, lines 4-10 and lines 30-33) Carden teaches the setting up of schedules that control the sending of automatic and system sent e-mails throughout the process. The e-mails are sent on pre-determined schedules. Carden also teaches the ability to track the entire peer review process. For example, Carden teaches the ability to track the time from submission to first decision and acceptance, the time from editor in chief to editor, time from editor to reviewer and the dates of completion. It is in the examiners interpretation that the ability to track time implies timestamps, which are dates. Additionally, Carden teaches a process of updating a manuscripts' history to show if a reviewer accepts late. Carden also teaches that once a reviewer has completed the review that the access to the manuscript is removed.

With respect to **dependent claim 11**, Carden teaches *the rules eliminate links enabling a reviewer to complete a peer review assignment once said first date has passed* (Carden page 25, lines 4-10) Carden teaches the process of removing the access to a manuscript if a reviewer attempts to accept to review the manuscript after a specific date.

With respect to **dependent claim 12**, Carden teaches *the user interface provides notice to a reviewer of a peer review assignment, at least one link to each paper assigned for review, and at least one link to a peer review page having spaces for accepting the reviewer's responses to queries defining the criteria for rating each assigned paper* (Carden page 6, lines 30-34 and page 10, lines 26-34 and page 24, lines 20-34 and page 27, lines 13-15) Carden teaches a system that includes dynamic e-mails to parties to acknowledge the status of the materials, to invite reviewers to review a specific document, and to gather decisions on a specific document. Carden also teaches the reviewers have links in an e-mail, which include the instructions for the review. Additionally, Carden teaches a client-approved score sheet is used as a basis for the peer review.

With respect to **dependent claim 13**, Carden teaches *the knowledge base information comprises a database including a list of potential submitters, a list of potential sponsors, a list of potential reviewers, a library of questions and rubrics which can be used in reviewing papers, at least one paper to be reviewed, completed peer reviews and peer review reports* (Carden page 17, lines 5-10 and page 21, lines 7-25) Carden teaches an administrative function that allows a user access to the database that allows for reports to be generated to view the list of corresponding and contributing authors linked to a manuscript ID, list of editors, list of reviewers, list of all manuscripts, all of the steps of the peer process, performance histories and by decision.

With respect to **dependent claim 15**, Carden teaches *the computer memory is capable of storing said knowledge base information, rules, and peer review application* (Carden page 2, lines 16-34). Carden teaches the system is an Apache HTTP web server. The server has all of the application modules and the database located on it. Carden also teaches the application can be loaded on a specific publisher or editors computer and users can access the application from there.

With respect to **dependent claim 16**, Carden teaches *the intermediary service provider is a*



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*hosted electronic environment* (Carden page 6, lines 15-35 and figure 3). Carden teaches a hosted environment on a service providers computer.

With respect to **dependent claim 17**, Carden teaches *the hosted electronic environment is a website accessible on the internet* (Carden page 6, lines 15-35 and figure 3). Carden teaches the system is hosted on the service providers computer and the site is accessed by all parties from that site.

With respect to **dependent claim 18**, Carden teaches *the user information includes identification data used to verify the user as a subscriber* (Carden page 6, lines 15-34 and page 12, lines 1-25). Carden teaches the use of a user ID and password to verify a users ability to log on to the system. Carden also teaches that societies and publications subscribe to the service providers service, which allows for easy identification of users who access the specific modules.

With respect to **dependent claim 19**, Carden teaches *a library of peer review assignments* (Carden page 21, lines 7-30). Carden teaches the editor (sponsor) has access to all manuscripts and manuscript histories through a search function in the interface. Carden also teaches the history would include all of the steps of the peer review process and all reviews. Additionally, Carden teaches the ability to generate a report from the database containing all of the manuscripts using a filter on type or decision or editor or time or outcome or status or all of the above.

With respect to **dependent claim 20**, Carden teaches *a third date when a reminder of the first date is sent to each reviewer* (Carden page 17, lines 29-34) Carden teaches the system contains a pre-determined schedule for sending out automatic e-mail reminders notifying the reviewer when a review is due or over-due.

With respect to **dependent claim 21**, Carden teaches *the user is remote from said computer system and accesses said user interface using a remote computing device in communication with said computer system and capable of receiving information from, and sending information responsive to queries from said user interface* (Carden figure 3 and page 7, lines 23-35) Carden teaches a publishing system on the internet or via a networked environment. Carden teaches the user can access the system remotely via an Ethernet, Token Ring, ATM or DSL network.

In regard to **Independent claim 22**, Carden teaches a peer review method comprising;

- *Providing a user interface capable of receiving user information, wherein said user information includes identification information* (Carden Figure 6 and 7 and page 11, lines 22-35 and page 12, lines 1-25) Carden teaches a user interface that requires a user ID (identifies the user) and password (predefined) to log into the system which is validated and the main menu screen (result) is presented.
- *Providing a peer review application operably linked to said user interface, wherein said peer review application comprises knowledge base information and defined rules for:*
  - (a) *Accepting a paper* (Carden Figures 9, 10a – 10c and page 12, lines 27-34 and page 13, lines 1-34) Carden teaches the acceptance of a manuscript through an electronic process.
  - (b) *Assigning said paper to reviewers for review* (Carden page 24, lines 15-27) Carden teaches the editors assign the paper to specific reviewers based current workload, areas of expertise or editor preference.
  - (c) *Providing to said reviewers criteria for reviewing each said paper to produce a peer review result* (Carden page 27, lines 12-15) Carden teaches that all reviewers will have access to instructions for reviewing manuscripts and will have a client-approved score sheet, comment areas and recommendation options. All of which is attached to the manuscript history.

(d) *Processing all peer review results for any paper to produce a peer review report*, (Carden page 5, lines 25-35 and page 6, lines 5-14 and page 21, lines 16-24 and figure 14) Carden teaches a system for submitting media, written materials, graphics, articles and manuscripts through the Internet which permits the materials to be reviewed edited and then published. Carden teaches the management and tracking of the peer review process is accomplished via reports and listings.

- *Providing a computer system having stored therein said peer review application, wherein said computer system comprises computer memory and a computer processor, providing a hosted electronic environment operably linked to said computer system for displaying said user interface*; (Carden page 2, lines 16-34 and page 6, lines 15-29). Carden teaches a peer review system that is hosted on a service providers computer or on a specific publishers computer, which allows users to access the system or module that corresponds to their profile via a display screen or browser. Carden also teaches the system is an Apache HTTP web server. The server has all of the application modules and the database located on it. Carden also teaches the application can be loaded on a specific publisher or editors computer and users can access the application from there.
- *Receiving said user information by way of said user interface; and processing said user information with said peer review application to generate results comprising a peer review report* (Carden page 27, lines 12-15 and figures 1 and 3) Carden teaches a user interface for collecting and processing manuscripts. Editors are able to monitor the peer review process at any step and generate reports by using the interface.

With respect to **dependent claim 23**, Carden teaches the *step of displaying said peer review report on said user interface* (Carden figure 14 and page 21, lines 16-24). Carden teaches the ability to generate reports from the database and display the reports on the user interface.

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With respect to **dependent claim 24**, Carden teaches *a hosted electronic environment receives compensation for use of said hosted electronic environment* (Carden page 2, lines and page 30, lines 17-23) Carden teaches a hosted environment on a service providers computer. Carden also teaches the system accepts a credit card as payment to purchase the service, pay a fee before allowing the user to acquire the requested information.

With respect to **dependent claim 25**, Carden teaches *the identification information is used to categorize the user as one or more of the group consisting of: sponsors, submitters, reviewers, and administrators* (Carden page 10, lines 4-34 and page 11, lines 1-20) Carden teaches the user groups of Author (Submitter), Editor-in-Chief and Associate Editors (Sponsor), Reviewers or referees (Reviewers) and Administrative staff (Administrators).

With respect to **dependent claim 26**, Carden teaches *the user information for each said submitter additionally includes an paper in digital form, uploaded and stored in said computer memory for processing and review* (Carden page 2, lines 4-34) Carden teaches a system for accepting a manuscript in ASCII format and the system converts the document to HTML or PDF formats for use in the system. Additionally, Carden teaches the ability to customize the document formats to meet the specific publishers needs.

With respect to **dependent claim 27**, Carden teaches *the defined rules for accepting said paper includes a date defined by said sponsor after which the submitter may no longer upload a paper for review* (Carden page 14, lines 3-15) Carden teaches a three step process for submitting a manuscript which allows the user to iteratively edit a document until the document has been proofed and approved by the author. Once the author approves the manuscript the system will prevent the user from accessing the document. Further changes will require a new document to be submitted.

With respect to **dependent claim 28**, Carden teaches *the user information for each said submitter includes a review of another submitter's paper in digital form, uploaded and stored in said computer memory for processing* (Carden page 2, lines 4-34) Carden teaches the process of converting an ASCII document that is submitted by the author into either HTML or PDF formats for display in the entire system or other users. Carden also teaches that users can have multiple roles in the system. A user can be an author, editor, reviewer and administrator and any combination thereof.

With respect to **dependent claim 29**, Carden teaches that *each said sponsor additionally includes information defining parameters of a peer review assignment* (Carden page 27, lines 12-34). Carden teaches the reviewers have links to instructions for the review process that are sent by the editor.

With respect to **dependent claim 30**, Carden teaches *the parameters of said peer review assignment include criteria for reviewing papers* (Carden page 27, lines 12-34). Carden teaches the reviewers have a client-approved score sheet for scoring the manuscript.

With respect to **dependent claim 31**, Carden teaches *the criteria for reviewing papers can be selected from criteria contained in said knowledge base information and new criteria created by said sponsor* (Carden page 24, lines 15-34 and page 27, lines 12-34) Carden teaches the use of e-mails to provide instructions to the reviewers on how to perform the peer review which includes the score sheet. Carden also teaches the e-mails are editable by the editor to include the stock working or be customized to meet the reviewers needs. The assessment is based on the reviewer's history, performance and current workload.

With respect to **dependent claim 32**, Carden teaches *the criteria for reviewing papers includes*

*new criteria created by said sponsor, said criteria for reviewing papers contained in said knowledge base information is supplemented by adding to it said new criteria.* (Carden page 24, lines 15-34 and page 27, lines 12-34) Carden teaches the use of e-mails to provide instructions to the reviewers on how to perform the peer review which includes the score sheet. Carden also teaches the e-mails are editable by the editor to include the stock working or be customized to meet the reviewers needs. The assessment is based on the reviewer's history, performance and current workload. Additionally, Carden teaches the database contains a list of previously edited manuscripts and can be sorted for a given reviewer. Previously written comments can be viewed and analyzed via a report.

With respect to **dependent claim 33**, Carden teaches the *parameters include a start date and a completion date for said peer review assignment.* (Carden page 17, lines 29-34 and page 21, lines 16-24 and page 25, lines 4-10 and lines 30-33) Carden teaches the setting up of schedules that control the sending of automatic and system sent e-mails throughout the process. The e-mails are sent on pre-determined schedules. Carden also teaches the ability to track the entire peer review process. For example, Carden teaches the ability to track the time from submission to first decision and acceptance, the time from editor in chief to editor, time from editor to reviewer and the dates of completion. It is in the examiners interpretation that the ability to track time implies timestamps, which are dates. Additionally, Carden teaches a process of updating a manuscripts' history to show if a reviewer accepts late. Carden also teaches that once a reviewer has completed the review that the access to the manuscript is removed.

With respect to **dependent claim 34**, Carden teaches the *parameters additionally include a reminder date for said peer review assignment* (Carden page 17, lines 29-34) Carden teaches the system contains a schedule for each manuscript that is set by the administrator and the system send automatic reminder e-mails to reviewers that have not returned reviews.

With respect to **dependent claim 35**, Carden teaches *the ability to upload a response to a peer review assignment is removed after said completion date* (Carden page 25, lines 1-10) Carden teaches the ability to remove access to the link at any time. Carden also teaches one of the reasons for removal is if the reviewer accepts the assignment too late or is no longer needed to review.

With respect to **dependent claim 36**, Carden teaches *the peer review report is compiled and made accessible to users after said completion date on a release date selected by said sponsor* (Carden page 28, lines 28-35) Carden teaches the decision to publish the manuscripts to the public, along with the accompanying peer review, score, comments, list of reviewers, decision letters and historical data, rests within the editorial board. Once the decision has been made the manuscript is published on a regular schedule.

With respect to **dependent claim 37**, Carden teaches *the parameters include a sponsor-defined group of reviewers* (Carden page 24, lines 15-27) Carden teaches the editor chooses the reviewers and tailors the reviewers based on experience, history and current workload.

With respect to **dependent claim 38**, Carden teaches *the group of reviewers comprise said submitters*. (Carden page 10, lines 4-34 and page 11, lines 1-20) Carden teaches the user groups of Author (Submitter), Editor-in-Chief and Associate Editors (Sponsor), Reviewers or referees (Reviewers) and Administrative staff (Administrators). Carden also teaches the user can fulfill more than one role and can access any section of the menu that their access privileges grant them access to.

With respect to **dependent claim 41**, Carden teaches *the peer review results are processed using predetermined rules for combining said results to produce a peer review report* (Carden

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page 17, lines 1-17) Carden teaches a predefined parameter set to produce a set of reports to manage the peer review process. The report parameters also include the predefined format of viewing all manuscripts by status, by editor, by type, by country, and by author.

**References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.**

***Claim Rejections - 35 USC § 103***

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 9, 14, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden, et al (hereinafter Carden) International Publication No. WO 00/72114 A2, issued Nov. 30, 2000 and filed May 22, 2000 and in view of Edward Gehringer et al (hereinafter Gehringer), "Strategies and Mechanisms For Electronic Peer Review", October 18-21, 2000, ASEE/IEEE Frontiers in Education Conference, Session F1B, pp 2-7.**

With respect to **dependent claim 9**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 9:



*The knowledge base information and rules include rules for randomly assigning said paper to any reviewer except the submitter, and for assigning to each reviewer only the number of papers predetermined by the sponsor.*

Carden does not expressly teach that the reviewers are assigned at random. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly. Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12). It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehringer, in order to obtain a system that is able to assign reviewers at random. One would have been motivated to make such a combination because the ability to assign arbitrary reviewers would always be needed as taught by Gehringer.

With respect to **dependent claim 14**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history. Carden also teaches the scheduling system for setting completion dates and the ability to customize the review instructions that are sent to a reviewer (Carden page 2, lines 4-34 and page 24, lines 15-27 and page 25, lines 25-33). Compare with claim 14:

*The predefined rules include selectable reviewing criteria to be used to create a peer review result, rules for random assignment of papers, rules for establishing the start and finish dates of the peer review assignment, and rules for creating a peer review report from all peer review results.*

Carden does not expressly teach the rules for random assignment of papers. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly using either algebraic or iterative strategies (Gehringer page 5, column 2, lines 12-14). Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12 and 43-54). Additionally, Gehringer teaches the assignment of two review deadlines. The deadlines are cutoff dates for submitting work. It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review assignment process of Gehringer, in order to obtain a system that is able to assign papers to reviewers at random. One would have been motivated to make such a combination because the ability to assign arbitrary reviewers would always be needed as taught by Gehringer

With respect to **dependent claim 39**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 39:

*The parameters include rules for random assignment of papers to reviewers and for limiting the number of papers assigned to each reviewer to that predetermined by the sponsor.*

Carden does not expressly teach the rules for random assignment of papers. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly using either

algebraic or iterative strategies (Gehring page 5, column 2, lines 12-14). Gehring teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehring page 2, lines 1-20 and page 5, column 1, lines 6-12 and 43-54). It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Gehring before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehring, in order to obtain a system that is able to assign reviewers at random. One would have been motivated to make such a combination because the ability to assign arbitrary reviewers would always be needed as taught by Gehring

With respect to **dependent claim 40**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history. The editor has full control over which reviewers get assigned to a specific manuscript (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 40:

*The parameters include rules for random assignment of a paper to any reviewers except the submitter, and for assigning to each reviewer only the number of papers predetermined by the sponsor.*

Carden does not expressly teach the rules for random assignment of papers to any reviewer except the submitter. However, Gehring teaches a peer review system where the reviewers can be assigned randomly using either algebraic or iterative strategies and non-iterative strategies (Gehring page 5, column 2, lines 12-14). Gehring teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and

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grade the student assignments (Gehring page 2, lines 1-20 and page 5, column 1, lines 6-12 and 43-54). It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Gehring before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random and non-iterative review processes of Gehring, in order to obtain a system that is able to assign reviewers at random. One would have been motivated to make such a combination because the ability to assign arbitrary reviewers would always be needed as taught by Gehring

8. <sup>63</sup> Claims 42-52, 54-57, 59-62 and 64-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden et al (hereinafter Carden) International Publication No. WO 00/72114 A2 issued Nov. 30, 2000 and filed May 22, 2000 and in view of Evans et al (hereinafter Evans) U.S. Patent No. 6,029,167 issued Feb. 22, 2000 and filed July 25, 1997.

With respect to **dependent claim 42**, as indicated in the above discussion, Carden discloses every limitation of claim 27.

Carden fails to expressly disclose *the process of checking the paper for originality before it is assigned to the reviewer for review.*

However, Evans discloses an apparatus for retrieving similar or identical passages from a set of documents. If a match is found the passage is displayed for further review. Evans teaches the purpose of locating specific instances where unauthorized reproduction of a manuscript are not entirely the original authors writings is desired to confirm that the documents do not contain instances of plagiarism (Evans column 1, lines 40-47).

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process as taught by Carden to include plagiarism checking of Evans, in order to obtain a system that is able to confirm instances of plagiarism before credit is awarded. One would have been motivated to make such a combination because the publishers and academic

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institutions have a need to ensure manuscripts are original works of authorship as taught by Evans.

In regard to **Independent claim 43**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The user interface allows multiple user types to log into the specific areas in which their profile is authorized for (Figures 5 and 7). Carden teaches a user interface that requires a user ID (identifies the user) and password (predefined) to log into the system which is validated and the main menu screen (result) is presented (Carden Figure 6 and 7 and page 11, lines 22-35 and page 12, lines 1-25). Carden also teaches the process of editors sending review instructions to the reviewers that are either in a stock or computer driven format or customized by the editor. Additionally, Carden teaches the reviewers use a client-approved score sheet for completing the reviews which is stored in the system and subsequently published to the author. Carden also teaches the system uses a web server and is comprised of a plurality of computers (Carden page 2, lines 1-34 and page 27, lines 12-34 and page 28, lines 29-34).

Compare with claim 43:

*A system for reviewing papers, comprising;*

- *A user interface for identifying the user, for accepting predefined user information, for uploading papers to be reviewed, and for providing a result;*
- *An originality checking application operably linked to said user interface, said originality checking application comprising knowledge base information and defined rules for checking uploaded papers for plagiarism;*
- *A peer review application operably linked to said user interface, said peer review application comprising knowledge base information and defined rules for reviewing uploaded papers and for completing and submitting a review of said uploaded papers; and,*
- *A computer system having stored therein said originality checking application and said peer review application, wherein said computer system comprises computer memory and a computer processor.*

Carden does not expressly teach the originality checking application that contains rules for checking for plagiarism. However, Evans teaches a plagiarism checking system where similar or identical passages that are found in documents are flagged for review and displayed (Evans column 3, lines 30-56). Evans and Carden are similar in that they both deal with the reviewing of

documents prior to publication. It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the authenticity verification processes of Evans, in order to obtain a system that is able to confirm that the submitted documents do not contain instances of plagiarism. One would have been motivated to make such a combination because of the compelling need to ensure the works are original is needed as taught by Evans.

With respect to **dependent claim 44**, Carden teaches *an intermediary service provider operably linked to said computer system, wherein said intermediary service provider is capable of displaying said user interface to all users who are in communication with said user interface* (Carden page 6, lines 15-29). Carden teaches a peer review system that is hosted on a service providers computer or on a specific publishers computer, which allows users to access the system or module that corresponds to their profile via a display screen or browser.

With respect to **dependent claim 45**, Carden teaches *the predefined user information is used to categorize users as one or more of the group consisting of submitters, sponsors, reviewers, administrators, and visitors* (Carden page 10, lines 4-34 and page 11, lines 1-20) Carden teaches the user groups of Author (Submitter), Editor- in-Chief and Associate Editors (Sponsor), Reviewers or referees (Reviewers) and Administrative staff (Administrators).

With respect to **dependent claim 46**, Carden teaches the *predefined user information comprises identification information and a paper responsive to an assignment when said user is identified as a submitter* (Carden page 6, lines 1-4 and page 7, lines 32-34 and page 8, lines 1-11 and page 11, lines 30-35 and page 12, lines 1-25) Carden teaches a system that can readily used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or

author or combination thereof. Carden also teaches specific submission requirements designed by the publisher or editor that are presented to the author, which require the author to submit information based on the submitted document.

With respect to **dependent claim 47**, Carden teaches *the predefined user information comprises identification information and a response to a peer review assignment when said user is identified as a reviewer* (Carden page 12, lines 1-25 and page 11, lines 3-6 and page 27, lines 3-20).

Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewers, once they have responded to e-mail inquiries regarding the manuscript for accepting the review assignment, are assigned to the manuscript by the review editor. Carden also teaches the reviewers perform the peer review based on a score sheet and then they enter the document in the system.

With respect to **dependent claim 48**, Carden teaches *the result is a peer review report* (Carden page 5, lines 25-35 and page 6, lines 5-14 and page 21, lines 16-24 and figure 14) Carden teaches a system for submitting media, written materials, graphics, articles and manuscripts through the Internet which permits the materials to be reviewed edited and then published. Carden teaches the management and tracking of the peer review process is accomplished via reports and listings.

With respect to **dependent claim 49**, Carden teaches *the user is identified as a sponsor, said predefined user information comprises information needed to create an assignment to generate submission of a paper* (Carden page 12, lines 1-25 and page 24, lines 15-34 and page 27, lines 12-29). Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewer editor determines the reviewers to be assigned to the manuscript.

The editor uses the reviewers' personal information, number of current assignments, and review history to determine eligibility. Carden also teaches that the reviewers use a score sheet for scoring the manuscript that is client-approved and they have links for instructions for reviewing the manuscript.

With respect to **dependent claim 50**, as indicated in the above discussion, Carden discloses every limitation of claim 49.

Carden fails to expressly disclose *the* result is an originality report.

However, Evans discloses an apparatus for retrieving similar or identical passages from a set of documents. If a match is found the passage is displayed for further review. Evans teaches the purpose of locating specific instances where unauthorized reproduction of a manuscript are not entirely the original authors writings is desired to confirm that the documents do not contain instances of plagiarism (Evans column 1, lines 40-47).

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process and reports as taught by Carden to include plagiarism checking of Evans, in order to obtain a system that is able to confirm instances of plagiarism before credit is awarded and display the outcome in a report. One would have been motivated to make such a combination because the publishers and academic institutions have a need to ensure manuscripts are original works of authorship as taught by Evans.

With respect to **dependent claim 51**, Carden teaches *the user is identified as a sponsor, said predefined user information comprises information needed to create a peer review assignment, define reviewers, define criteria for rating each paper, and define criteria by which papers are to be distributed to said reviewers* (Carden page 12, lines 1-25 and page 24, lines 15-34 and page 27, lines 12-29). Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof.



Additionally, Carden teaches the reviewer editor determines the reviewers to be assigned to the manuscript. The editor uses the reviewers' personal information, number of current assignments, and review history to determine eligibility. Carden also teaches that the reviewers use a score sheet for scoring the manuscript that is client-approved and they have links for instructions for reviewing the manuscript.

With respect to **dependent claim 52**, Carden teaches wherein *said reviewers comprise the set of those submitting papers responsive to an assignment created by said sponsor* (Carden page 6, lines 1-4 and page 12, lines 1-25 and page 6, lines 30-34). Carden teaches a system that can readily used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Carden teaches that the editor (sponsor) determines the reviewers for a specific document and the notification of assignment to a document to review.

With respect to **dependent claim 54**, Carden teaches *the peer review assignment includes a first date for completing the review of each paper, and a second date when each peer review result will be available to submitters* (Carden page 17, lines 29-34 and page 21, lines 16-24 and page 25, lines 4-10 and lines 30-33). Carden teaches the setting up of schedules that control the sending of automatic and system sent e-mails throughout the process. The e-mails are sent on pre-determined schedules. Carden also teaches the ability to track the entire peer review process. For example, Carden teaches the ability to track the time from submission to first decision and acceptance, the time from editor in chief to editor, time from editor to reviewer and the dates of completion. It is in the examiners interpretation that the ability to track time implies timestamps, which are dates. Additionally, Carden teaches a process of updating a manuscripts' history to show if a reviewer accepts late. Carden also teaches that once a reviewer has completed the review that the access to the manuscript is removed

With respect to **dependent claim 55**, Carden teaches *the rules eliminate links enabling a reviewer to complete a peer review assignment once said first date has passed* (Carden page 25, lines 4-10). Carden teaches the process of removing the access to a manuscript if a reviewer attempts to accept to review the manuscript after a specific date.

With respect to **dependent claim 56**, Carden teaches *the user interface provides notice to a reviewer of a peer review assignment, at least one link to each paper assigned for review, and at least one link to a peer review page having spaces for accepting the reviewer's responses to queries defining the criteria for rating each assigned paper* (Carden page 6, lines 30-34 and page 10, lines 26-34 and page 24, lines 20-34 and page 27, lines 13-15) Carden teaches a system that includes dynamic e-mails to parties to acknowledge the status of the materials, to invite reviewers to review a specific document, and to gather decisions on a specific document. Carden also teaches the reviewers have links in an e-mail, which include the instructions for the review. Additionally, Carden teaches a client-approved score sheet is used as a basis for the peer review and attached to the review are comments and remarks that are entered into the system fields.

With respect to **dependent claim 57**, Carden teaches an administrative function that allows a user access to the database that allows for reports to be generated to view the list of corresponding and contributing authors linked to a manuscript ID, a list of editors, a list of reviewers, a list of all manuscripts, all of the steps of the peer process, all performance histories and a list of manuscripts by editor decision (Carden page 17, lines 5-10 and page 21, lines 7-25). Compare with claim 57:

*The knowledge base information comprises a list of potential submitters, a list of potential sponsors, a list of potential reviewers, a library of questions and rubrics which can be used in reviewing papers, at least one paper to be checked for originality and reviewed, completed peer reviews and peer review reports.*

Carden does not expressly teach a document originality checking application. However, Evans teaches a plagiarism checking system where similar or identical passages that are found in documents are flagged for review and displayed (Evans column 3, lines 30-56). Evans and Carden are similar in that they both deal with the reviewing of documents prior to publication. It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the authenticity verification processes of Evans, in order to obtain a system that is able to confirm that the submitted documents do not contain instances of plagiarism. One would have been motivated to make such a combination because of the compelling need to ensure the works are original is needed as taught by Evans.

With respect to **dependent claim 59**, Carden teaches the *computer memory is capable of storing said knowledge base information, rules, and peer review application* (Carden page 2, lines 16-34). Carden teaches the system is an Apache HTTP web server. The server has all of the application modules and the database located on it. Carden also teaches the application can be loaded on a specific publisher or editors computer and users can access the application from there.

With respect to **dependent claim 60**, Carden teaches the *intermediary service provider is a hosted electronic environment* (Carden page 6, lines 15-35 and figure 3). Carden teaches a hosted environment on a service providers computer.

With respect to **dependent claim 61**, Carden teaches the *hosted electronic environment is a website accessible on the internet* (Carden page 6, lines 15-35 and figure 3). Carden teaches the system is hosted on the service providers computer and the site is accessed by all parties from that site.

With respect to **dependent claim 62**, Carden teaches the *user information includes identification data used to verify the user as a subscriber* (Carden page 6, lines 15-34 and page 12, lines 1-25). Carden teaches the use of a user ID and password to verify a users ability to log on to the system. Carden also teaches that societies and publications subscribe to the service providers service, which allows for easy identification of users who access the specific modules.

With respect to **dependent claim 63**, Carden teaches a library of peer review assignments (Carden page 21, lines 7-30). Carden teaches the editor (sponsor) has access to all manuscripts and manuscript histories through a search function in the interface. Carden also teaches the history would include all of the steps of the peer review process and all reviews. Additionally, Carden teaches the ability to generate a report from the database containing all of the manuscripts using a filter on type or decision or editor or time or outcome or status or all of the above.

With respect to **dependent claim 64**, Carden teaches *the third date when a reminder of the first date is sent to each reviewer* (Carden page 17, lines 29-34) Carden teaches the system contains a pre-determined schedule for sending out automatic e-mail reminders notifying the reviewer when a review is due or over-due.

With respect to **dependent claim 65**, Carden teaches the *user is remote from said computer system and accesses said user interface using a remote computing device in communication with said computer system and capable of using said user interface* (Carden figure 3 and page 7, lines 23-35) Carden teaches a publishing system on the internet or via a networked environment. Carden teaches the user can access the system remotely via an Ethernet, Token Ring, ATM or DSL network.

With respect to **dependent claim 66**, Carden teaches *a calendaring application stored on said computer system, said calendaring application operably linked to said user interface and comprising knowledge base information and defined rules for (a) establishing and storing dates for completing assignments and (b) linking abbreviated calendar entries to full-text assignment requirements* (Carden figure 12(g) and page 17, lines 29-30 and page 20, lines 14-15 and page 26, lines 1-10) Carden shows a schedule control feature in figure 12g in which schedules are controlled by the administrator. Additionally, Carden teaches the ability to add comments and remarks to the review via the user interface (Carden page 27, lines 28-34).

With respect to **dependent claim 67**, Carden teaches *an inbox application stored on said computer system, said inbox application operably linked to said user interface and comprising knowledge base information and defined rules for creating an inbox for each user* (Carden page 17, lines 23-29) Carden teaches a designated area in the system for creating and maintaining all e-mail correspondence in the system.

With respect to **dependent claim 68**, Carden teaches *an application for storing notes on said computer system for later access by submitters and reviewers* (Carden figure 13 and page 19, lines 19-25) Carden teaches the ability for a user to add notes to a manuscript for review by others in the system.

With respect to **dependent claim 69**, Carden teaches a system for accepting manuscript, graphics, documents, and media, which are converted into HTML or PDF format for easy display throughout the system and interface. Carden also teaches a peer review process where the documents are submitted to reviewers by editors to be reviewed against a score sheet and by following the editors instructions (Carden page 24, lines 19-34 and page 27, lines 10-34). Additionally, Carden teaches the report generation process and a search process. The search process allows an editor to scan the database for manuscripts of the same type or decision. The

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report generation process allows a user to generate reports based on a set of pre-defined but customizable set of parameters (Carden page 17, lines 1-34 and page 21, lines 16-34). Compare with claim 69:

*The originality checking application includes rules for*

- (a) obtaining, fingerprinting, and storing on a database relevant documents from a variety of sources which might be copied,*
- (b) fingerprinting uploaded papers to be checked for originality,*
- (c) comparing a fingerprint of a paper to fingerprints of said relevant documents to identify possible matches,*
- (d) comparing said paper's full text to a full text of all said possible matches, and*
- (e) generating an originality report which highlights those portions of the paper which match portions of said relevant documents identified as possible matches.*

Carden does not expressly teach a document originality checking application. However,

Evans teaches a plagiarism checking system where similar or identical passages that are found in documents are flagged for review and displayed (Evans column 3, lines 30-56). Evans also teaches the process of scanning through entire databases and finding matches to the input context. Once a match is found a marker or sequence of markers are generated. The sequence of markers forms a signature for the passage. Carden are similar in that they both deal with the reviewing of documents prior to publication. It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the authenticity verification processes of Evans, in order to obtain a system that is able to confirm that the submitted documents do not contain instances of plagiarism. One would have been motivated to make such a combination because of the compelling need to ensure the works are original is needed as taught by Evans.

With respect to **dependent claim 70**, Carden teaches *the peer review application includes rules for:*

- (a) Accepting a paper for peer review* (Carden page 2, lines 25-34 and page 3, lines 5-19) Carden teaches a peer review system and a process for submitting a document
- (b) Defining a peer review assignment* (Carden page 24, lines 19-27) Carden teaches the process of assigning reviewers to an assignment.
- (c) Assigning said paper to a defined set of reviewers for review* (Carden page 24, lines 19-27) Carden teaches the process of assigning reviewers to an assignment.
- (d) Providing to said reviewers criteria for reviewing each said paper to produce a peer review result, and* (Carden page 27, lines 10-34) Carden teaches the manuscripts are reviewed using set of instructions and a score sheet provided by the editor.
- (e) Processing all peer review results for any paper to produce a peer review report* (Carden page 17, lines 1-34 and page 21, lines 7-34) Carden teaches the process of producing a report of the peer review process which will include a list of all the manuscripts by ID and by status.

9. **Claims 53 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden. et al (hereinafter Carden) International Publication No. WO 00/72114 A2, issued Nov. 30, 2000 and filed May 22, 2000 and in view of Evans et al (hereinafter Evans) U.S. Patent No. 6,029,167 issued Feb. 22, 2000 and filed July 25, 1997, in further view of Edward Gehringer et al (hereinafter Gehringer), "Strategies and Mechanisms For Electronic Peer Review", October 18-21, 2000, ASEE/IEEE Frontiers in Education Conference, Session F1B, pp 2-7**

With respect to **dependent claim 53**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review

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process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 53:

*The knowledge base information and rules include rules for randomly assigning said paper to any reviewer except the submitter, and for assigning to each reviewer only the number of papers predetermined by the sponsor.*

Carden does not expressly teach that the reviewers are assigned at random. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly. Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12).

Neither Gehringer nor Carden teach a mechanism for checking for plagiarism. However, Evans discloses a mechanism for locating unauthorized reproduction of a specific manuscript has occurred and flags the passage for review. Carden, Gehringer and Evans are analogous art since each disclosure teaches a mechanism for accepting and reviewing documents prior to publication.

Therefore, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden, Evans and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehringer, and the plagiarism checking system of Evans, in order to obtain a system that is able to perform a peer review and assign reviewers at random and validate a documents authenticity. One would have been motivated to make such a combination because the need to assign arbitrary reviewers within a peer review process as taught by Gehringer and the need for academic institutions and publishers to check manuscripts for authenticity as taught by Evans.



With respect to **dependent claim 58**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history. Carden also teaches the instructions and process for reviewing the manuscripts are customizable and sent to the reviewers. The instructions are in the form of a set of links (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 58:

*The predefined rules include selectable reviewing criteria to be used to create a peer review result, rules for random assignment of papers, rules for establishing the start and finish dates of the peer review assignment, and rules for creating a peer review report from all peer review results.*

Neither Carden nor Evans expressly teaches the rules for random assignment of papers. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly using either algebraic or iterative strategies (Gehringer page 5, column 2, lines 12-14). Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12 and 43-54). Additionally, Gehringer teaches the assignment of two review deadlines. The deadlines are cutoff dates for submitting work.

Carden, Gehringer and Evans are analogous art since each disclosure teaches a mechanism for accepting and reviewing documents prior to publication.

Therefore, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden, Evans and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehringer, and the plagiarism checking system of Evans, in order to obtain a system that is able to perform a peer review and assign reviewers at random and validate a documents authenticity.

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One would have been motivated to make such a combination because the need to assign arbitrary reviewers within a peer review process as taught by Gehringer and the need for academic institutions and publishers to check manuscripts for authenticity as taught by Evans.

**References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.**


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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